



**DLA PIPER RUDNICK  
GRAY CARY**

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MONICA P. MCCABE  
monica.mccabe@dlapiper.com  
T 212.335.4984 (new as of 6/19/06)  
F 212.884.8484 (unchanged)

July 7, 2006

VIA ECF FILING AND FACSIMILE

The Honorable Allyn R. Ross  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

*Respectfully referred to Judge  
Jury and, if necessary,  
conduct an evidentiary hearing.*

*S. Ross*

Allyn R. Ross, JSD

7/7/06

Re: Mazzetta Company, LLC v. Anchor Frozen Foods Corp.;  
05-CV-5224 (ARR)

*cc: parker  
Judge Ross*

Dear Judge Ross:

We represent Plaintiff, Mazzetta Company, LLC ("Mazzetta"), in the above-referenced action and write, pursuant to this Court's June 29, 2006, Order, in response to the letter submitted by counsel for Defendant, Anchor Frozen Foods Corp. ("Defendant"), to the Court ("Letter").

Simply put, the allegations of Defendant in the Letter are false. The Affidavit of Service was prepared by Jose Oquendo, a licensed process server (License Number 1154641). It clearly states that the Summons and Complaint were served upon Defendant's receptionist, Sarah Lenaghan, who informed Mr. Oquendo that she was "authorized by the Manager" to accept service on behalf of Defendant, at the very same address where Defendant admits that it received this Court's June 21, 2006, Opinion and Order by First Class Mail.<sup>1</sup> Incredibly, the Letter states that Defendant "did not have an employee by the name of Sara Liningham on November 8,

<sup>1</sup> Upon questioning Mr. Oquendo after receiving Defendant's Letter, Mr. Oquendo stated that he remembers that Ms. Lenaghan confirmed to him that he was at the premises of Anchor Frozen Foods Corp. and that she called her manager to ask whether she should accept the papers that were being served. Mr. Oquendo is prepared to attest to these additional facts if the Court wishes him to do so.

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The Honorable Allyne R. Ross  
July 7, 2006  
Page 2

2005" (emphasis added).<sup>2</sup> If Defendant's counsel had bothered to check the name, which also appears on the docket sheet, he would have known that service was never made on a "Sara Liningham."

Defendant's story simply does not hold water. Before the Summons and Complaint were served, we sent two cease-and-desist letters via Certified Mail on behalf of Mazzetta to the Defendant's address. Defendant refused to answer these letters, just as it refused to respond to the duly served Summons and Complaint. Mazetta then served a Request to Enter Default by First Class Mail on December 7, 2005, again at the same address. Subsequently, Your Honor specifically requested that we re-serve Mazzetta's Request to Enter Default by Certified Mail. We did so on December 13, 2005, again at the Defendant's address.

These are not the only papers served on Defendant at its business address. On January 13, 2006, we also served Mazzetta's Application for Default Judgment and Permanent Injunction by Certified Mail at that address. As we informed Your Honor in a January 23, 2006, letter, *the re-served Request to Enter Default was returned to us, marked "REFUSED" by the U.S. Postal Service.* (A copy of our January 23 letter with a copy of the U.S. Postal Service's notation is attached as Exhibit 2.) Defendant did not fail to receive our papers; *it deliberately refused to accept them.*

In addition, Magistrate Judge Levy issued his February 10, 2006, Order, which we also served on Defendant via First Class Mail. We also submitted a February 22 letter to Magistrate Judge Levy informing him that we intended to rely on our previously submitted papers; that letter was also sent by First Class Mail to Defendant.

In short, defendant has been aware of this lawsuit from the very beginning. Apparently to maintain "plausible deniability," it has systematically ignored letters, process, and court papers intended to give it notice of the proceedings. In addition to the Summons and Complaint, which was hand-served at the Defendant's address, we have sent no fewer than eight letters and mailings of court papers to Defendant, by either First Class or Certified Mail, to the identical address as that to which the Court's Opinion and Order was sent.

---

<sup>2</sup> As this Court has undoubtedly considered, we note that the Affidavit of Service of the process server and all other Affidavits of Service accompanying Mazzetta's filings have been sworn to whereas Defendant's counsel merely states, "However, upon information from the President of Anchor Frozen Foods Corp. . . ." Obviously, Defendant's counsel has chosen his words carefully. We note that counsel has failed to produce a sworn affidavit of his client. (Copies of the Affidavits of Service are attached as Exhibit 1.)

**PIPER RUDNICK  
GRAY CARY**

The Honorable Allyn R. Ross  
July 7, 2006  
Page 3

Defendant's game-playing is painfully obvious. Defendant thought that by ignoring first Mazzetta's cease-and-desist letters, then the service of process, and finally papers relating to its default, it could somehow avoid liability for blatant trademark infringement. It responded only when the Court entered a default judgment on which execution could be had. Defendant's representation that service of the Opinion and Order is "the first time the Defendant received notice of this lawsuit" is false on its face. Its request to reopen the default judgment, based upon deliberate misrepresentation, is just one more example of Defendant's willingness to waste the time and resources of the Court, as well as those of Mazzetta.

Defendant's request should be denied without further expenditure of time and resources. We respectfully request that the Court lift its stay of the enforcement of the Judgment.

We thank the Court for its attention to this matter.

Respectfully submitted,

A handwritten signature in black ink that reads "Monica P. McCabe".  
Monica P. McCabe

MPM/js  
Enclosures

cc: Magistrate Judge Robert M. Levy (by First Class Mail with enclosures)  
Arnold L. Kert, Esq. (by facsimile and First Class Mail with enclosures)  
Andrew L. Deutsch, Esq.

# **EXHIBIT 1**

DLA PIPER RUDNICK GRAY CARY US LLP

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

MAZZETTA COMPANY, LLC,

Plaintiff,

-against-

ANCHOR FROZEN FOODS CORP.,

Defendant.

Index No.: 2005 CV 5224 (ROSS)

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK )

COUNTY OF NEW YORK )

ss: )

JOSE OQUENDO being duly sworn, deposes and says:

1. That I am not a party to this action, am over eighteen years of age and resides in the State of New York;
2. That on November 08, 2005, at approximately 12:05 p.m., I personally served by hand, by personally delivering to

and leaving with, a true and correct copy of the foregoing documents: **SUMMONS IN A CIVIL CASE** With Index Number and Date Purchase Endorsed Thereon, **COMPLAINT** along with Exhibits "A-C", all upon **ANCHOR FROZEN FOODS CORP.**, by Personal Service, via Ms. Sarah Lenaghan, who identified herself as the "Receptionist", as well as being "authorized by the Manager" to accept service on behalf of Anchor Frozen Foods Corp., which service was effected at their actual place of business indicated below:

**ANCHOR FROZEN FOODS CORP.  
28 Urban Avenue / 1<sup>st</sup> Floor  
Westbury, New York 11590**

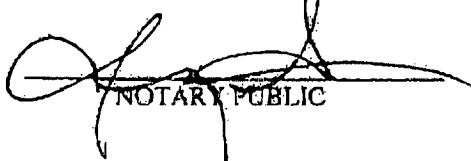
3. **Ms. Sarah Lenaghan** can best be described as:

Female - White skin - Brown hair - Blue eyes - Approximately 22 - 32 years of age, 5'0" - 5'3" and 100 - 120 lbs.

Dated: November 08, 2005  
New York, New York

Sworn to before me on this the 08<sup>th</sup> day of November 2005.

  
JOSE OQUENDO  
(License No. 115464)

  
NOTARY PUBLIC

**JENIQUE TORRES**  
Notary Public, State of New York  
No. 01176092192  
Qualified in New York County  
Commission Expires May 12, 2007

**RAPID & RELIABLE ATTORNEY SERVICE, INC.**  
- A FULL-SERVICE LITIGATION SUPPORT CORPORATION -

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NEW YORK, NEW YORK 10268  
212-608-1555

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Andrew L. Deutsch (AD 5782)  
Monica Petraglia McCabe (MM 5853)  
Christine Jaskiewicz (CJ 1477)  
DLA PIPER RUDNICK GRAY CARY US LLP  
1251 Avenue of the Americas  
New York, New York 10020-1104  
(212) 835-6000  
Attorneys for Plaintiff  
Mazzetta Company, LLC

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

|                            |   |                             |
|----------------------------|---|-----------------------------|
| ----- x                    |   |                             |
| MAZZETTA COMPANY, LLC,     | : | 05-CV-5224 (ARR)            |
|                            | : |                             |
| Plaintiff,                 | : |                             |
|                            | : |                             |
| - against -                | : | <b>AFFIDAVIT OF SERVICE</b> |
|                            | : |                             |
| ANCHOR FROZEN FOODS CORP., | : |                             |
|                            | : |                             |
| Defendant.                 | : |                             |
| ----- x                    |   |                             |

STATE OF NEW YORK     )  
                              :ss:  
COUNTY OF NEW YORK    )

The undersigned, being duly sworn, deposes and say, I am not a party to this action, I am over the age of 18 years and I reside in the State of New York. That on the 13<sup>th</sup> day of December 2005, I caused to be served the annexed Letter to The Honorable Allyne R. Ross dated December 7, 2005, Request to Enter Default dated December 6, 2005, Declaration of Andres L. Deutsch in Support of Plaintiff, Mazzetta Company, LCC's Application for Default Judgment Against Defendant Anchor Frozen Foods Corp., Affidavit of Service for Anchor Frozen Foods Corp. dated November 8, 2005 and a Notation of Default following:

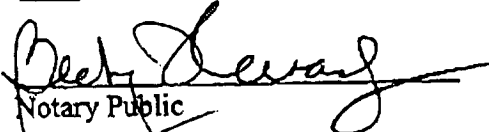
Anchor Frozen Foods Corp.  
28 Urban Avenue, 1<sup>st</sup> Floor  
Westbury, New York 11590

Service was completed by depositing the foregoing document in a properly addressed Certified Mail – Return Receipt Requested, postage paid wrapper for the United States Postal Service within the State of New York.



Lori B. Armstrong

Sworn to before me this  
15<sup>th</sup> day of December 2005.

  
Notary Public

BECKY HERNANDEZ  
Notary Public, State Of New York  
No. 01HE6014791  
Qualified in Bronx County  
Commission Expires October 19, 20 06

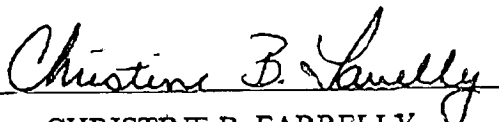
**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK                    )  
  : ss.:  
COUNTY OF NEW YORK                )

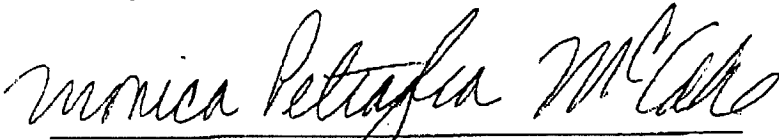
CHRISTINE B. FARRELLY, being duly sworn, deposes and says: I am over the age of 18 years and not a party to this action. On the 13th day of January, 2006, I caused a true copy of **Plaintiff, Mazzetta Company, LLC's Notice of Application and Application for Default Judgment and Permanent Injunction Against Defendant, Anchor Frozen Foods Corp., Declaration of Alan S. Dalinka in Support of Plaintiff, Mazzetta Company, LLC's Application for Default Judgment Against Defendant, Anchor Frozen Foods Corp., Memorandum of law in Support of Plaintiff, Mazzetta Company, LLC's Application for Default Judgment Against Defendant, Anchor Frozen Foods Corp., [Proposed] Default Judgment Against Defendant, Anchor Frozen Foods Corp., and [Proposed] Permanent Injunction Against Defendant, Anchor Frozen Foods Corp., to be served by Certified Mail, Return Receipt Requested, on Defendant at the following address:**

Anchor Frozen Foods Corp.  
28 Urban Avenue, 1<sup>st</sup> Floor  
Westbury, New York 11590

Service by mail was completed by depositing true copies of the foregoing documents in a properly addressed Certified Mail, Return Receipt Requested, postage paid wrapper for First Class delivery into the custody of the United States Postal Service.

  
CHRISTINE B. FARRELLY

Sworn to before me this  
13th day of January, 2006.

  
\_\_\_\_\_  
Notary Public  
**MONICA PETRAGLIA McCABE**  
Notary Public, State Of New York  
No. 02MC4993320  
Qualified in Richmond County  
Certificate Filed in New York County  
Commission Expires March 16, 2008



## **EXHIBIT 2**



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1251 Avenue of the Americas  
New York, New York 10020-1104  
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F 212.835.6001  
W www.dlapiper.com

ANDREW L. DEUTSCH  
andrew.deutsch@dlapiper.com  
T 212.835.6080 F 212.835.6001

January 23, 2006

**BY HAND**

The Honorable Allyn R. Ross  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Mazzetta Company, LLC v. Anchor Frozen Foods Corp.*;  
05-CV-5224 (ARR)

Dear Judge Ross:

We represent Plaintiff, Mazzetta Company, LLC ("Mazzetta"), in the above-referenced action and write to update the Court regarding service of Mazzetta's recently filed Application for a Default Judgment and Permanent Injunction Against Defendant, Anchor Frozen Foods Corp. ("Defendant").

Pursuant to this Court's verbal direction, the application papers were served on Defendant by Certified Mail, Return Receipt Requested. Those papers have been returned to me and marked "Refused" by the U.S. Postal Service. A copy of the Certified Mail Receipt, which is attached to the package, is enclosed for the Court's review.

Defendant's obvious attempts to deliberately disregard all of Mazzetta's notices of Defendant's infringement, including service of the Application for a Default Judgment, is further evidence of Defendant's willful intent to continue to infringe Mazzetta's trademarks.

We respectfully request that the Court enter the Orders for a default judgment and permanent injunction against Defendant at the Court's earliest convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew L. Deutsch".

Andrew L. Deutsch

ALD/js  
Enclosure

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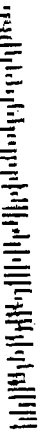
**PIPER RUDNICK  
GRAYCARY**

The Honorable Allyne R. Ross  
January 23, 2006  
Page 2

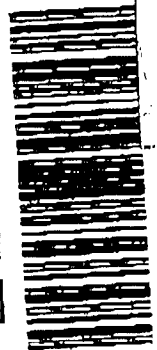
cc: Magistrate Judge Robert M. Levy (by hand) (with enclosure)  
Anchor Frozen Foods Corp. (by Certified Mail, Return Receipt Requested) (with enclosure)  
Monica P. McCabe, Esq.

**DLA PIPER RUDNICK  
GRAYCARY**

A Piper Rudnick Gray Cary US LLP  
51 Avenue of the Americas  
New York, NY 10020-1104



**CERTIFIED MAIL**



7110 3703 0041 8720 8272

RETURN RECEIPT REQUESTED

DELIVERED TO ADDRESSEE  
REFUSED  
UNCLAIMED

**DLA PIPER RUDNICK  
GRAYCARY**

DLA Piper Rudnick Gray Cary US LLP  
1251 Avenue of the Americas  
New York, NY 10020-1104

DELIVERED TO ADDRESSEE  
REFUSED  
UNCLAIMED

Anchor Foods Corp.  
28 Urban  
Westbury, NY 11591

DELIVERED TO ADDRESSEE  
REFUSED  
UNCLAIMED


FIRST CLASS



UNITED STATES POSTAGE  
\$07.04  
02 1A  
0004396594 JAN 13 2006  
MAILED FROM ZIP CODE 10020

Thank you for using Return Receipt Service

RETURN RECEIPT REQUESTED  
USPS MAIL CARRIER  
DETACH ALONG PERFORATION

|  |  |
|--|--|
| 2. Article Number  |  |
| <br>7140 3901 9448 6736 5278   |  |
| 3. Service Type CERTIFIED MAIL   |  |
| 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes   |  |
| 1. Article Addressed to:<br>Anchor Frozen Foods Corp.<br>28 Lakeside Avenue, 1st Floor<br>New York, NY 10014-5920<br><b>REFUSED</b><br><b>UNCLAIMED</b>  |  |
| PS Form 3811, July 2001 Domestic Return Receipt  |  |
| Reference Information<br>Mazzeita/243471-11<br>Monica P. McCabe  |  |
| A. Received by (Please Print Clearly)  |  |
| B. Date of Delivery  |  |
| C. Signature   |  |
| D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>If YES, enter delivery address below: <input type="checkbox"/> Agent <input type="checkbox"/> Addressee <input type="checkbox"/> No |  |

Thank you for using Return Receipt Service

*Post-1582*

**Other Documents**

**1:05-cv-05224-ARR-RML Mazzetta Company, LLC v. Anchor Frozen Foods Corp. CASE**  
**CLOSED on 06/22/2006**

**U.S. District Court****Eastern District of New York****Notice of Electronic Filing**

The following transaction was received from McCabe, Monica entered on 7/7/2006 at 1:00 PM EDT and filed on 7/7/2006

**Case Name:** Mazzetta Company, LLC v. Anchor Frozen Foods Corp.

**Case Number:** 1:05-cv-5224

**Filer:** Mazzetta Company, LLC

**WARNING: CASE CLOSED on 06/22/2006**

**Document Number:** 16

**Docket Text:**

*Letter to the Honorable Allyne R. Ross re: the Court's Order of June 29, 2006, writing in response to letter submitted by counsel for defendant to stay the enforcement of the judgment against Anchor Frozen Foods Corp. by Mazzetta Company, LLC. (McCabe, Monica)*

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP NYEDStamp\_ID=875559751 [Date=7/7/2006] [FileNumber=2332970-0] [b6f407c9161b813fd9a446d2b3d749052fa4f0919733c0a6f5bef3b3ed83d52c9e0583e986e06f453301bc353fecf18d99332909e56071a016f3e48cc15c57c7]]

**1:05-cv-5224 Notice will be electronically mailed to:**

Andrew L. Deutsch andrew.deutsch@dlapiper.com

Monica Petraglia McCabe monica.mccabe@dlapiper.com

**1:05-cv-5224 Notice will be delivered by other means to:**

Christine Jaskiewicz  
DL Piper Rudnick Gray Cary US LLP  
1251 Avenue of Americas  
New York, NY 10020-1104

**DLA PIPER RUDNICK  
GRAY CARY**

DLA Piper Rudnick Gray Cary US LLP  
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New York, New York 10020-1104  
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F 212.335.4501  
W [www.dlapiper.com](http://www.dlapiper.com)

MONICA P. MCCABE  
[monica.mccabe@dlapiper.com](mailto:monica.mccabe@dlapiper.com)  
T 212.335.4964 F 212.884.8464

**Facsimile****Date:** July 7, 2006

| <b>To:</b>  | <b>Phone:</b>  | <b>Fax:</b>    |
|---|----------------|----------------|
| <b>The Honorable Justice Allyne R. Ross</b><br>United States District Court<br>Eastern District of New York | (718) 613-2380 | (718) 613-2386 |
| <b>Cc:</b>  |                |                |
| <b>Arnold L. Kert, Esq.</b><br>Arnold L. Kert, PLLC   | (516) 222-1860 | (516) 222-1713 |

Original ☐ will / ☐ will not follow.

Pages (including fax sheet): 15

**Comments:**

Please see the attached.

10271/243471-11

*The information contained in this facsimile message is confidential and, if addressed to our client or certain counsel, is subject to the attorney-client or work product privilege. This message is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U. S. Postal Service.*

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**PIPER RUDNICK  
GRAY CARY**

The Honorable Allyne R. Ross  
July 7, 2006  
Page 2

2005" (emphasis added).<sup>2</sup> If Defendant's counsel had bothered to check the name, which also appears on the docket sheet, he would have known that service was never made on a "Sara Liningham."

Defendant's story simply does not hold water. Before the Summons and Complaint were served, we sent two cease-and-desist letters via Certified Mail on behalf of Mazzetta to the Defendant's address. Defendant refused to answer these letters, just as it refused to respond to the duly served Summons and Complaint. Mazetta then served a Request to Enter Default by First Class Mail on December 7, 2005, again at the same address. Subsequently, Your Honor specifically requested that we re-serve Mazzetta's Request to Enter Default by Certified Mail. We did so on December 13, 2005, again at the Defendant's address.

These are not the only papers served on Defendant at its business address. On January 13, 2006, we also served Mazzetta's Application for Default Judgment and Permanent Injunction by Certified Mail at that address. As we informed Your Honor in a January 23, 2006, letter, *the re-served Request to Enter Default was returned to us, marked "REFUSED" by the U.S. Postal Service.* (A copy of our January 23 letter with a copy of the U.S. Postal Service's notation is attached as Exhibit 2.) Defendant did not fail to receive our papers; *it deliberately refused to accept them.*

In addition, Magistrate Judge Levy issued his February 10, 2006, Order, which we also served on Defendant via First Class Mail. We also submitted a February 22 letter to Magistrate Judge Levy informing him that we intended to rely on our previously submitted papers; that letter was also sent by First Class Mail to Defendant.

In short, defendant has been aware of this lawsuit from the very beginning. Apparently to maintain "plausible deniability," it has systematically ignored letters, process, and court papers intended to give it notice of the proceedings. In addition to the Summons and Complaint, which was hand-served at the Defendant's address, we have sent no fewer than eight letters and mailings of court papers to Defendant, by either First Class or Certified Mail, to the identical address as that to which the Court's Opinion and Order was sent.

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<sup>2</sup> As this Court has undoubtedly considered, we note that the Affidavit of Service of the process server and all other Affidavits of Service accompanying Mazzetta's filings have been sworn to whereas Defendant's counsel merely states, "However, upon information from the President of Anchor Frozen Foods Corp. . . ." Obviously, Defendant's counsel has chosen his words carefully. We note that counsel has failed to produce a sworn affidavit of his client. (Copies of the Affidavits of Service are attached as Exhibit 1.)



**PIPER RUDNICK  
GRAY CARY**

The Honorable Allyn R. Ross  
July 7, 2006  
Page 3

Defendant's game-playing is painfully obvious. Defendant thought that by ignoring first Mazzetta's cease-and-desist letters, then the service of process, and finally papers relating to its default, it could somehow avoid liability for blatant trademark infringement. It responded only when the Court entered a default judgment on which execution could be had. Defendant's representation that service of the Opinion and Order is "the first time the Defendant received notice of this lawsuit" is false on its face. Its request to reopen the default judgment, based upon deliberate misrepresentation, is just one more example of Defendant's willingness to waste the time and resources of the Court, as well as those of Mazzetta.

Defendant's request should be denied without further expenditure of time and resources. We respectfully request that the Court lift its stay of the enforcement of the Judgment.

We thank the Court for its attention to this matter.

Respectfully submitted,

A handwritten signature in black ink that reads "Monica P. McCabe".  
Monica P. McCabe

MPM/js  
Enclosures

cc: Magistrate Judge Robert M. Levy (by First Class Mail with enclosures)  
Arnold L. Kert, Esq. (by facsimile and First Class Mail with enclosures)  
Andrew L. Deutsch, Esq.

# **EXHIBIT 1**

DLA PIPER RUDNICK GRAY CARY US LLP

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

MAZZETTA COMPANY, LLC.

Plaintiff,

-against-

ANCHOR FROZEN FOODS CORP.,

Defendant.

Index No.: 2005 CV 5224 (ROSS)

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK )

COUNTY OF NEW YORK )

ss.:  
)

JOSE OQUENDO being duly sworn, deposes and says:

1. That I am not a party to this action, am over eighteen years of age and resides in the State of New York;
2. That on November 08, 2005, at approximately 12:05 p.m., I personally served by hand, by personally delivering to

and leaving with, a true and correct copy of the foregoing documents: **SUMMONS IN A CIVIL CASE With Index Number and Date Purchase Endorsed Thereon, COMPLAINT** along with Exhibits "A-C", all upon **ANCHOR FROZEN FOODS CORP.**, by Personal Service, via Ms. Sarah Lenaghan, who identified herself as the "Receptionist", as well as being "authorized by the Manager" to accept service on behalf of Anchor Frozen Foods Corp., which service was effected at their actual place of business indicated below:

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28 Urban Avenue / 1<sup>st</sup> Floor  
Westbury, New York 11590

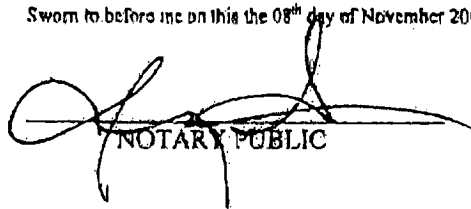
3. Ms. Sarah Lenaghan can best be described as:

Female - White skin - Brown hair - Blue eyes - Approximately 22 - 32 years of age, 5'0" - 5'3" and 100 - 120 lbs.

Dated: November 08, 2005  
New York, New York

Sworn to before me on this the 08<sup>th</sup> day of November 2005.

  
JOSE OQUENDO  
License No. 1159641

  
NOTARY PUBLIC

**JENIQUE TORRES**  
Notary Public, State of New York  
No. 01176082192  
Qualified in New York County  
Commission Expires May 12, 2007

**RAPID & RELIABLE ATTORNEY SERVICE, INC.**  
-A FULL-SERVICE LITIGATION SUPPORT CORPORATION-

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NEW YORK, NEW YORK 10268  
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*'We've built our service on your satisfaction'*

Andrew L. Deutsch (AD 5782)  
Monica Petraglia McCabe (MM 5853)  
Christine Jaskiewicz (CJ 1477)  
DLA PIPER RUDNICK GRAY CARY US LLP  
1251 Avenue of the Americas  
New York, New York 10020-1104  
(212) 835-6000  
Attorneys for Plaintiff  
Mazzetta Company, LLC

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

|                            |   |                             |
|----------------------------|---|-----------------------------|
| ----- x                    |   |                             |
| MAZZETTA COMPANY, LLC,     | : | 05-CV-5224 (ARR)            |
|                            | : |                             |
| Plaintiff,                 | : |                             |
|                            | : |                             |
| - against -                | : | <b>AFFIDAVIT OF SERVICE</b> |
|                            | : |                             |
| ANCHOR FROZEN FOODS CORP., | : |                             |
|                            | : |                             |
| Defendant.                 | : |                             |
| ----- x                    |   |                             |

STATE OF NEW YORK     )  
                              :ss:  
COUNTY OF NEW YORK    )

The undersigned, being duly sworn, deposes and say, I am not a party to this action, I am over the age of 18 years and I reside in the State of New York. That on the 13<sup>th</sup> day of December 2005, I caused to be served the annexed Letter to The Honorable Allyne R. Ross dated December 7, 2005, Request to Enter Default dated December 6, 2005, Declaration of Andres L. Deutsch in Support of Plaintiff, Mazzetta Company, LCC's Application for Default Judgment Against Defendant Anchor Frozen Foods Corp., Affidavit of Service for Anchor Frozen Foods Corp. dated November 8, 2005 and a Notation of Default following:

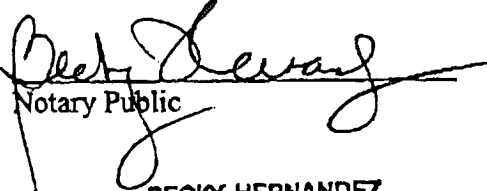
Anchor Frozen Foods Corp.  
28 Urban Avenue, 1<sup>st</sup> Floor  
Westbury, New York 11590

Service was completed by depositing the foregoing document in a properly addressed Certified Mail – Return Receipt Requested, postage paid wrapper for the United States Postal Service within the State of New York.



Lori B. Armstrong

Sworn to before me this  
15<sup>th</sup> day of December 2005.

  
Notary Public

BECKY HERNANDEZ  
Notary Public, State Of New York  
No. 01HE6014791  
Qualified In Bronx County  
Commission Expires October 19, 20 06


**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK                     )  
   : ss.:  
 COUNTY OF NEW YORK                 )

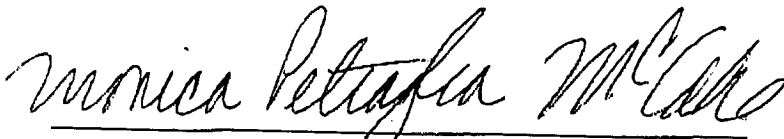
CHRISTINE B. FARRELLY, being duly sworn, deposes and says: I am over the age of 18 years and not a party to this action. On the 13th day of January, 2006, I caused a true copy of Plaintiff, Mazzetta Company, LLC's Notice of Application and Application for Default Judgment and Permanent Injunction Against Defendant, Anchor Frozen Foods Corp., Declaration of Alan S. Dalinka in Support of Plaintiff, Mazzetta Company, LLC's Application for Default Judgment Against Defendant, Anchor Frozen Foods Corp., Memorandum of law in Support of Plaintiff, Mazzetta Company, LLC's Application for Default Judgment Against Defendant, Anchor Frozen Foods Corp., [Proposed] Default Judgment Against Defendant, Anchor Frozen Foods Corp., and [Proposed] Permanent Injunction Against Defendant, Anchor Frozen Foods Corp., to be served by Certified Mail, Return Receipt Requested, on Defendant at the following address:

Anchor Frozen Foods Corp.  
 28 Urban Avenue, 1<sup>st</sup> Floor  
 Westbury, New York 11590

Service by mail was completed by depositing true copies of the foregoing documents in a properly addressed Certified Mail, Return Receipt Requested, postage paid wrapper for First Class delivery into the custody of the United States Postal Service.

  
 CHRISTINE B. FARRELLY

Sworn to before me this  
 13th day of January, 2006.



Notary Public

MONICA PETRAGLIA MCCABE  
 Notary Public, State Of New York  
 No. 02MC4993320  
 Qualified in Richmond County  
 Certificate Filed in New York County  
 Commission Expires March 16, 2008

## **EXHIBIT 2**





DLA PIPER

DLA Piper Rudnick Gray Cary US LLP  
1251 Avenue of the Americas  
New York, New York 10020-1104